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Attorneys for Plaintiff  
10 UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 ANGELO HARPER JR.,

17 Defendant.  
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No. CR 15-595-RGK

GOVERNMENT'S NOTICE OF INTENTION  
TO SUBMIT EVIDENCE PURSUANT TO  
FED. R. EVID. 902(11) AND 18  
U.S.C. § 3505

Trial Date: July 19, 2016  
Trial Time: 9:00 a.m.  
Location: Courtroom of the  
Hon. R. GARY  
KLAUSNER

1 PLEASE TAKE NOTICE THAT plaintiff United States of America, by  
2 and through its counsel of record, the United States Attorney for the  
3 Central District of California and Assistant United States Attorneys  
4 George E. Pence and A. Carley Palmer, intends to offer into evidence  
5 at trial certain domestic and foreign records of regularly conducted  
6 business activities (i.e., business records) of Kik Interactive, Inc.  
7 ("Kik") and Time Warner Cable Inc. ("TWC").

8 Specifically, pursuant to 18 U.S.C. § 3505, the government  
9 hereby submits Kik's business records (Exhibits 1 and 3), with their  
10 attached declarations of custodians of records for Kik (Exhibits 2  
11 and 4). The government previously produced these records to defendant  
12 and gave notice of its intent to offer them at trial. These records  
13 are relevant to prove the IP address used by the Kik Messenger  
14 account CM8JIAW4 to advertise child pornography in the Kik  
15 #NEPILOVERS chatroom (the "Target IP"). An "IP address" is a code  
16 that identifies a computer network or a particular computer or other  
17 device on a network, consisting of four numbers separated by periods.

18 In addition, pursuant to Federal Rule of Evidence 902(11), the  
19 government hereby submits TWC's business records (Exhibits 5 and 7),  
20 accompanied by their attached declarations of custodian of records  
21 (Exhibits 6 and 8). The government previously produced these records  
22 to defendant and gave notice of its intent to offer them at trial.  
23 These records are relevant to establish that the physical address  
24 associated with the Target IP was defendant's residence.

25 The government submits that, in light of the Supreme Court's  
26 decision in *Crawford v. Washington*, 124 S. Ct. 1354 (2004), the Court  
27 may review the declarations under Federal Rule of Evidence 104(a) to  
28 make the threshold determination of admissibility under Rule 902(11)

1 and section 3505, but the declarations should not themselves be  
2 admitted into evidence.

3 Finally, the government respectfully requests leave to  
4 supplement this notice as it may become necessary during the course  
5 of the trial in this matter. The government also requests that the  
6 Court make the determination of admissibility in advance of the  
7 commencement of trial to facilitate the compulsion of the appearance  
8 of custodians of records, if necessary.  
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12 Dated: July 12, 2016

Respectfully submitted,

13 EILEEN M. DECKER  
14 United States Attorney

15 LAWRENCE S. MIDDLETON  
16 Assistant United States Attorney  
Chief, Criminal Division

17 /s/  
18 GEORGE E. PENCE  
Assistant United States Attorney

19 Attorneys for Plaintiff  
20 UNITED STATES OF AMERICA  
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